



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 • FAX (951) 781-6288
www.waterboards.ca.gov/santaana

Arnold Schwarzenegger
Governor

February 24, 2010

Jim Jachetta
ProLogis
4041 MacArthur Boulevard, Ste. 400
Newport Beach, CA 92660

AMENDMENT OF CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR PROLOGIS OLEANDER BUSINESS PARK, RIVERSIDE COUNTY (ACOE REFERENCE NO. 2006 – 00625 – SJH)

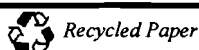
Dear Mr. Jachetta:

On February 5, 2010, Regional Board staff received an electronic message from your representative requesting a revision to the deadline in Condition 2 of the Clean Water Act Section 401 Water Quality Standards Certification ("Certification"), issued on November 24, 2008, and amended on February 27, 2009, for the ProLogis Oleander Business Park. Condition 2 of the Certification originally required submittal of evidence of payment of an in-lieu fee towards the eradication of invasive plant species by February 24, 2009.

On January 6, 2009, your representative requested that the deadline be changed and tied to the grading of the project site, in order to accommodate an anticipated extended construction schedule. Although Regional Board staff was amenable to an extension, an indefinite, "soft" deadline was rejected due to the increased staff costs related to monitoring and enforcing such deadlines. After further discussion with your representative, on February 27, 2009, Condition 2 of the Certification was deleted and replaced with the following:

- 2) An in-lieu fee must be paid to the Santa Ana Watershed Association towards the eradication of 0.27 acre of invasive species within and adjacent to waters of the State in the Upper Santa Ana Watershed. The fee payment must include funding for a minimum of 6-years of follow-on maintenance and the completion of biological condition assessments, using published and generally accepted methods (e.g., California Rapid Assessment Method) for the purpose of evaluating the incremental improvement to the eradication project area. Evidence of the fee payment must be provided to the Executive Officer prior to the discharge of fill or by February 24, 2010, whichever occurs first.

California Environmental Protection Agency

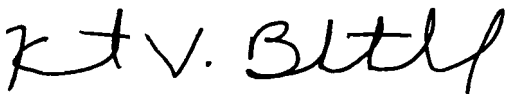


In response to ProLogis's recent request for an amendment to Condition 2 of the Certification (as revised February 27, 2009), Condition 2 is hereby deleted and replaced with the following:

2. An in-lieu fee must be paid to the Santa Ana Watershed Association towards the eradication of 0.27 acre of invasive species within and adjacent to waters of the State in the Upper Santa Ana Watershed. The fee payment must include funding for a minimum of 6-years of follow-on maintenance and the completion of biological condition assessments, using published and generally accepted methods (e.g., California Rapid Assessment Method) for the purpose of evaluating the incremental improvement to the eradication project area. Evidence of the fee payment must be provided to the Executive Officer prior to the discharge of fill or by February 24, 2012, whichever occurs first.

Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,



For Gerard J. Thibeault
Executive Officer
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Stephanie Hall
State Water Resources Control Board, OCC – David Rice
State Water Resources Control Board, DWQ – Water Quality Certification Unit
California Department of Fish and Game – Michael Flores
U.S. EPA – Supervisor of the Wetlands Regulatory Office WTR- 8

w:\mbrown\401\certifications\oleander bus pk amndmnt 332008-19_24feb10.doc